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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Christoph Nemmaier

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SCHIFF HARDIN, LLP
PATENT DEPARTMENT
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EXAMINER

HON, MING Y

ART UNIT

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2625

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/521,688	Applicant(s) NEMMAIER ET AL.	
	Examiner MING HON	Art Unit 2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 January 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 27-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 27-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 January 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's amendment filed on January 30, 2009 is acknowledged. Currently Claims 27-38 are pending. Claims 13-26 has been cancelled. Claims 27-38 are new.
2. Applicant's arguments with respect to claim 27-38 have been considered but are moot in view of the new ground(s) of rejection. Examiner relies on a new reference, Schroath et al. US2003/0105995 to teach the new claims.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

4. **Claims 27-31, 33-34, 36, and 38 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Schroath et al. US2003/0105995 hereinafter referred to as Schroath.**

As per Claim 27, Schroath teaches a method for error handling in a printer or copier, comprising the steps of:

detecting with a plurality of monitoring units a plurality of respective temporally successive error states of the printer or copier created by a single causative error; (Schroath,

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Figure 3 and Paragraph [0028], detects multiple errors in a certain time frame. The multiple errors detected are considered to be temporally successive because it's in the same time frame.)

transmitting the detected plurality of temporally successive error states to a controller;
(Schroath, Figure 2, Components 212 and 216)

storing said transmitted plurality of temporally successive error states in a storage;
(Schroath, Figure 2, Component 214, an error log is able to store errors therefore must have some memory or storage associated it)

evaluating the stored plurality of temporally successive error states by the controller;
comparing the stored plurality of temporally successive error states with predetermined error state patterns and determining at least one error type identifying said causative error; (Schroath, Paragraph [0027] and [0028], by determining how many errors are made in a time frame which is a pattern of errors and that is compared to what is known therefore if there are T errors within X minutes, there is an issue with printer, if there are Y errors in X minutes, then there is an issue with the print job. The issue with the printer and print job are considered causative errors)

and implementing a corrective action by the controller dependent on the error type.
(Schroath, Paragraph [0028]-[0029], appropriate message will be displayed to the user in regards to the error.)

As per Claim 28, Schroath teaches a method of claim 27 wherein said corrective action comprises providing at least one corrective measure to the printer or copier. (Schroath, Paragraph [0030], a corrective action can be rebooting the printer)

As per Claim 29, Schroath teaches a method of claim 27 wherein said corrective action comprises providing an error message. (Schroath, Paragraph [0028])

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As per Claim 30, Schroath teaches a method of claim 28 wherein a plurality of corrective measures are provided by the controller dependent on the error type. (Schroath, Paragraph [0028]- [0030])

As per Claim 31, Schroath teaches a method of claim 27 wherein said corrective action comprises providing both at least one corrective measure and at least one error message by the controller dependent on the error type. (Schroath, Figure 3, Components 308 and 310)

As per Claim 33, Schroath teaches a method of claim 27 wherein information about the respective error type of temporally successive error states that can be automatically remedied are stored at least in one error storage of the controller. (Schroath, Paragraph [0028]- [0030], the errors are in a log and evaluated to determine error type.)

As per Claim 35, Schroath teach a method of claim 27 wherein temporally successive error states transmitted up to a shut down of the printer or copier are evaluated with aid of a predetermined error evaluation algorithm. (Schroath, Paragraph [0028]-[0030], if the printer is not on, and then no errors will be detected, the errors are evaluated by an algorithm by determining if a certain number of errors are occurring in a certain time frame)

As per Claim 36, Schroath teaches a method of claim 27 wherein the printing or copying event is ended after the transmission of the temporally successive error states, and all of the error states transmitted up to the ending of the printer or copier copying event are stored in the storage and used for the evaluation. (Schroath, Paragraph [0028]- [0030], the errors are in a log and evaluated to determine error type during an event of printing.)

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As per Claim 38, Schroath teaches a device for error handling in a printer or copier, comprising:

a controller that transmits a plurality of temporally successive error states created by a single causative error occurring in the printer or copier from respective monitoring units in the printer or copier; (Schroath, Figure 3 and Paragraph [0028], detects multiple errors in a certain time frame. The multiple errors detected are considered to be temporally successive because it's in the same time frame.)

a storage in which said plurality of transmitted temporally successive error states are stored; (Schroath, Figure 2, Component 212, 214, and 216, an error log is able to store errors therefore must have some memory or storage associated it)

the controller comparing the stored temporally successive error states with predetermined error state patterns and determining at least one error type identifying said causative error; and (Schroath, Paragraph [0027] and [0028], by determining how many errors are made in a time frame which is a pattern of errors and that is compared to what is known therefore if there are T errors within X minutes, there is an issue with printer, if there are Y errors in X minutes, then there is an issue with the print job. The issue with the printer and print job are considered causative errors)

the controller implementing a corrective action dependent on the error type. (Schroath, Paragraph [0028]-[0029], appropriate message will be displayed to the user in regards to the error.)

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 32 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schroath et al. US2003/0105995 hereinafter referred to as Schroath as applied to Claim 27 and further in view of Chiba USPN 6665088.

As per Claim 32, Schroath teaches a method of claim 27. Schroath does not explicitly teach wherein the controller is connected with a host system, whereby the controller only registers with the host system causative errors that cannot be corrected automatically; However Chiba teaches it. (Chiba, Column 13, Lines 29-54 and Figure 10; a error occurred and detected and the solution is automatically implemented if the condition is satisfied, the error would need to access data from the host but not inform the host of the error by going through a error identification process)

Thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the teachings of Chiba into Schroath. Schroath teaches an error detection process that involves identifying the error and provided solutions to the user on how to resolve the error. Not all errors need user intervention to resolve. Certain errors such as an underrun error as discussed by Chiba would have an obvious solution of resending the data again. The consultation of an error database would be unnecessary and lead to inefficient operation of the system. Chiba teaches a beneficial addition to Schroath.

Therefore it would have been obvious to one of ordinary skill to combine the two references to obtain the invention in Claim 32.

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7. Claims 35 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schroath et al. US2003/0105995 hereinafter referred to as Schroath as applied to Claim 27 and further in view of Parry USPN 6666594.

As per Claim 35, Schroath teaches a method of claim 27, wherein dependent on the error type, the printer or copier is at least one of automatically restarted, (Schroath, Paragraph [0028]-[0030]) Schroath does not explicitly teach an automatic start is prevented, and a signaling of the error to a subordinate controller occurs. However Parry teaches it. (Parry, Figure 3, Path from Component E3 to E7, signaling of the error is equivalent to sending the error to the controller))

Thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the teachings of Parry into Schroath. Schroath teaches the ability to initiate a restart given certain conditions are met. Parry teaches the ability to send the error to the controller thus stopping the restarting from occurring since conditions weren't met. Parry and Schroath are in the same endeavor of error detection and error resolution involving printer/copier errors.

Therefore it would have been obvious to one of ordinary skill to combine the two references to obtain the invention in Claim 35.

As per Claim 37, Schroath teaches a method of claim 27. Schroath does not explicitly teach wherein the stored temporally successive error states are erased in the storage after the evaluation of the temporally successive error states; However Parry teaches it. (Parry, Figure 3, Components E1, E2, E3, and E4; the errors detected are sent to a memory where it is stored and evaluated. Memory modules have limited space and therefore when it reaches its limit will delete the errors to reallocate the memory for more errors)

Thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the teachings of Parry into Schroath. It is well known in the art that memory is not limitless, at a certain point the error log will run out of memory to store more

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information thus erasing is the only option to maintain a log. Parry and Schroath are in the same endeavor of error detection and error resolution involving printer/copier errors.

Therefore it would have been obvious to one of ordinary skill to combine the two references to obtain the invention in Claim 37.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MING HON whose telephone number is (571)270-5245. The examiner can normally be reached on Mon- Fri 7:30 to 5:00 EST; 1st Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark K. Zimmerman can be reached on (571)272-7653. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/M. H./

Examiner, Art Unit 2625

/Mark K Zimmerman/

Supervisory Patent Examiner, Art Unit 2625